

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHETANN PATEL and HARSHIKA PATEL,

Plaintiffs,

vs.

U.S. BANK, N.A. *et al.*,

Defendant(s).

Case No.: 13-CV-01625 YGR

ORDER DENYING *EX PARTE* APPLICATION
FOR A TEMPORARY RESTRAINING ORDER

Plaintiffs Chetann and Harshika Patel have filed an *Ex Parte* Motion for a Temporary Restraining Order to prevent a foreclosure sale set for April 18, 2013.

As set forth below, the Court **DENIES** Plaintiffs' *Ex Parte* Motion for a Temporary Restraining Order.


Rule 65 of the Federal Rules of Civil Procedure requires that actual notice must be given to the opposing party of the intention to seek a Temporary Restraining Order ("TRO"), the date and time for the hearing and the nature of the relief requested. Unless notice is provided, the moving party must provide a certified showing of extraordinary circumstances why such notice could not have been given. *Reno Air Racing Ass'n, Inc. v. McCord*, 452 F.3d 1126, 1131-32 (9th Cir. 2006). Here, the Court has not been provided with any declaration showing why such notice could not have been given. A TRO is a drastic remedy and accordingly can only be given under proper circumstances.

Therefore, the Motion is **DENIED**.

This Order Terminates Docket Number 5.

IT IS SO ORDERED.

Date: April 17, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE